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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/830,104	04/24/2001	Ernst F. Schroder	PD 980069	2826

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EXAMINER

PHAM, THOMAS K

ART UNIT	PAPER NUMBER
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2121

DATE MAILED: 03/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/830,104	Applicant(s) SCHRODER, ERNST F.	
	Examiner Thomas K Pham	Art Unit 2121	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 January 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Amendment

1. This action is in response to request for re-consideration filed on 01/07/2005.
2. New claim 8 filed by the applicant has been entered.
3. Applicant's amendment, with respect to the new issue of claims 1-7, necessitated the new ground(s) of rejection presented in this Office action.

Quotations of U.S. Code Title 35

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Drawings

6. The subject matter of this application admits of illustration by a drawing to facilitate understanding of the invention. Applicant is required to furnish a drawing under 37 CFR 1.81(c). No new matter may be introduced in the required drawing. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d).

Claim Rejections - 35 USC § 102

7. Claims 1 and 4-8 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,032,202 ("Lea").

Regarding claim 1

Lea teaches home system having a plurality of devices connected to one another via a home bus interface, in particular an IEEE 1394 bus interface, wherein one of the devices contains a control unit (col. 8 lines 1-12, "FIG. 1B illustrates a logical ... devices 14-24 of the HAVI network") which, when operated appropriately by a user, polls system data for other devices in this system via the home bus interface, wherein said system data comprises characteristic data for a device (col. 9 lines 41-44, "When a device is initially ... two methods of controlling it"), in particular a serial number, the manufacture mark's mark, the device class, output/input characteristics, the software version or any error data (col. 3 lines 14-27, "when a new device is coupled ... the system and to the user"), and passes this system data to an output unit of this one device (col. 19 lines 49-67, "the DCM is also responsible ... to update the UI"), the output unit being either a

Art Unit: 2121

device for writing to a mobile, digital data medium which can store the system data (col. 11 lines 54-53, "Set-to-box 301 of FIG. 6 ... for storing information and instructions").

Regarding claim 4

Lea teaches the one device having the device for writing to the data medium is a minicomputer having a drive for one of a floppy disk and another data medium having a magnetic or optical storage medium (col. 11 lines 54-67).

Regarding claim 5

Lea teaches the one device contains a control unit which, when operated appropriately by a user, polls system data for the connected other devices via an interface (col. 9 lines 27-33) wherein the one device includes a device for writing to a mobile, digital data medium and wherein the device stores this system data on the data medium using the device (col. 10 lines 7-19).

Regarding claim 6

Lea teaches the one device contains a control unit which, when operated appropriately by a user, or when an appropriate remote polling code is received, polls system data for the connected other devices via an interface (col. 9 lines 27-33) wherein the one device includes a modem or another telecommunication connection which can send the polled system data to a desired address (col. 10 lines 7-19).

Regarding claim 7

Lea teaches user operation corresponds to remote control in the context of a remote polling code transmitted via communication line or by radio (col. 11 lines 30-35).

Regarding claim 8

Lea teaches home system having a plurality of devices connected to one another via a home bus interface, in particular an IEEE 1394 bus interface, wherein one of the devices contains a control unit (col. 8 lines 1-12, “FIG. 1B illustrates a logical ... devices 14-24 of the HAVI network”) which, when operated appropriately by a user, polls system data for other devices in this system via the home bus interface, wherein said system data comprises characteristic data for a device (col. 9 lines 41-44, “When a device is initially ... two methods of controlling it”), in particular a serial number, the manufacture mark’s mark, the device class, output/input characteristics, the software version or any error data (col. 3 lines 14-27, “when a new device is coupled ... the system and to the user”), and passes this system data to an output unit of this one device (col. 19 lines 49-67, “the DCM is also responsible ... to update the UI”), the output unit being a modem or another telecommunication connection which, when operated appropriately by a user, can send the system data to a desired address (col. 19 lines 28-36, “The DCMs of the present invention ... can also be queried”).

Claim Rejections - 35 USC § 103

8. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lea in view of U.S. Patent No. 6,266,809 (“Craig”).

Regarding claim 2

Lea does not teach the mobile data medium is one of a smart card and a chip card having a memory, and in that, when operated appropriately by a user, the control unit in the one device stores system data for the connected other devices on one of the smart card and the chip card

Art Unit: 2121

using the device. However, Craig teaches the mobile data medium is one of a smart card having a memory (fig. 2, element 220) and in that, when operated appropriately by a user, the network computer [device] communicate with the smart card for storing system data (col. 5 lines 57-67, “FIG. 2 also illustrates ... central processing unit 222”) for the purpose of allowing secure information to be store in its memory. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the smart card of Craig with the home system of Lea because it would provide for the purpose of allowing secure information to be store in its memory.

9. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lea in view of U.S. Patent No. 6,112,085 (“Garner”).

Regarding claim 3

Lea does not teach the one device having the device for writing to the data medium is one of a set-top box and a digital satellite receiver having a write/read device for one of a chip card and a smart card. However, Garner teaches a mobile satellite system having a write/read device for one of a chip card and a smart card (col. 39 lines 29-38, “Disk Drive Unit (DDU) ... office data modification”) for the purpose of providing storage for different output files. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the satellite system of Garner with the home system of Lea because it would provide for the purpose of providing storage for different output files.

Response to Arguments

10. Applicant's arguments with respect to claims 1-8 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner *Thomas Pham*; whose telephone number is (703) 305-7587 or the new number (571) 272-3689 beginning Oct. 13th, 2004, Monday - Friday from 8:00 AM - 5:00 PM EST or contact Supervisor *Mr. Anthony Knight* at (703) 308-3179 (or (571) 272-3687 starting Oct. 13th, 2004).

Any response to this office action should be mailed to: **Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450**. Responses may also be faxed to the **official fax number (703) 872- 9306**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Thomas Pham
Patent Examiner

TP
March 28, 2005



Anthony Knight
Supervisory Patent Examiner
Group 3600